



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Bob Wieckowski, Vice Mayor  
Anu Natarajan  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Melissa Stevenson Dile, Assistant City Manager

Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Mary Kaye Fisher, Interim Human Resources Dir.  
Annabell Holland, Parks & Recreation Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Lori Taylor, Economic Development Director  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**NOTICE AND AGENDA OF SPECIAL MEETING  
CLOSED SESSION  
CITY OF FREMONT**

**DATE:**           **Tuesday, July 27, 2010**

**TIME:**           **5:45 p.m.**

**LOCATION:**    **Fremont Room, 3300 Capitol Avenue, Fremont**

The City will convene a special meeting. It is anticipated the City will immediately adjourn the meeting to a closed session to confer with and receive advice from its attorney regarding initiation of litigation by the City in one matter and upcoming employee negotiations, as follows:

- 1)    **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
This Closed Session is authorized by subdivision (c) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation by the City in one matter.
  
- 2)    **CONFERENCE WITH LABOR NEGOTIATOR:** The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by subdivision (a) of Section 54957.6 of the Government Code for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Melissa Dile, Assistant City Manager; Harvey Levine, City Attorney; Mary Kaye Fisher, Interim Human Resources Director; Designated Representative Diana Doughtie as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees  
Fremont Association of City Employees  
Operating Engineers  
Teamsters Local 856  
Fremont Police Association  
Professional Engineers and Technicians Association

- 3)    **CONFERENCE WITH LABOR NEGOTIATOR:** The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by subdivision (a) of Section 54957.6 of the Government Code for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Melissa Dile, Assistant City Manager; Harvey Levine, City Attorney; Mary Kaye Fisher, Interim Human Resources Director; Designated Representative Diana Doughtie as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe

benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Fire Fighters  
Fremont Fire Fighters Battalion Chiefs

This Special Meeting is being called by Mayor Wasserman.

**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**JULY 27, 2010**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 **SETTING THE GENERAL OBLIGATION BOND 2010/11 TAX RATE**  
*Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2010/11*

**Contact Person:**

<b>Name:</b>	<i>Gloria del Rosario</i>	<i>Harriet Commons</i>
<b>Title:</b>	<i>Senior Accountant</i>	<i>Director</i>
<b>Dept.:</b>	<i>Finance</i>	<i>Finance</i>
<b>Phone:</b>	<i>510-494-4602</i>	<i>510-284-4010</i>
<b>E-Mail:</b>	<i>gidelrosario@fremont.gov</i>	<i>hcommons@fremont.gov</i>

**RECOMMENDATION:**

- 1. *Establish the Fire Safety General Obligation Bonds tax rate of \$0.0095 per \$100 of assessed valuation (0.0095%) for fiscal year 2010/11.*
- 2. *Adopt a resolution requesting and authorizing the County of Alameda to levy a*

*tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bonds.*

**2.4 DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS**  
*Delegation of Authority to City Manager during Council Recess, July 28, 2010 through September 14, 2010*

*Contact Person:*

<i>Name:</i>	<i>Dawn Abrahamson</i>	<i>Melissa Stevenson Dile</i>
<i>Title:</i>	<i>City Clerk</i>	<i>Assistant City Manager</i>
<i>Dept.:</i>	<i>City Clerk</i>	<i>City Manager</i>
<i>Phone:</i>	<i>510-284-4063</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>dabrahamson@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:*

- 1. Authorize the City Manager or designee to sign the modified MOU permitting continuance of the Narcotic and Gang task forces reflecting an operational change. The mandate of the unit is being adjusted to focus on violence as a derivative of gang and narcotic offenses. This change is supported by an adjustment in the command and control of the unit by placing operational functions under one task force commander, administrative responsibilities under the remaining commander, and governance under a single MOU.*
- 2. Authorize the City Manager or designee to (1) approve the plans and specifications for the 2010 Kato Road Full Depth Reclamation and Asphalt Overlay, City Project No. 8234-K (PWC), and (2) accept the bid and award the construction contract for the 2010 Full Depth Reclamation and Asphalt Overlay, 8234-K (PWC) to the lowest responsible bidder, in an amount not-to-exceed \$1,500,000, and authorize the City Manager to execute the contract.*
- 3. Authorize the City Manager or designee, following receipt and evaluation of proposals, to negotiate and execute a contract to provide security guard services during construction for the Police Department Seismic Retrofit Construction Project in an amount not-to-exceed \$225,000.*
- 4. Authorize the City Manager or designee to (1) approve Amendment No. 1 to the existing agreement for Police Department Seismic Retrofit Construction Project Management services with Critical Solutions, Inc., for additional construction administration services in an amount not- to-exceed \$84,700 which will increase the total construction administration services to an amount-not-exceed \$579,520, and (2) retain the City Manager's amendment authority pursuant to the Purchasing Code at 20% of the original contract amount for future amendments.*
- 5. Authorize the City Manager or designee to award separate contracts to AEI Affiliated Engineers, Inc., and YEI Engineers, Inc., for On-Call Electric Engineering Master Service Agreement in an amount not-to-exceed \$15,000 per year per firm for three years, with two one-year options to extend for each firm in an amount not-to-exceed \$100,000 per year.*

6. *Authorize the City Manager or designee to (1) execute a purchase order with Frontier Ford in an amount not-to-exceed \$299,396 for the purchase of eight Ford Crown Victoria police patrol replacement vehicles and four Ford Fusion unmarked police replacement vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices, and (2) execute a purchase order with Hansel Ford in an amount not-to-exceed \$369,733 for the purchase of 11 Ford Escape hybrid vehicles to replace nine police Community Service vehicles and two general service utility vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices.*
7. *Authorize the City Manager or designee to issue a purchase order and execute implementing documents with Oracle America, Inc., for Relational Database software update license and support in the amount of \$148,899.35 and for PeopleSoft HR/Payroll application and MicroFocus COBOL software compiler support in the amount of \$101,025.23, for a total amount not-to-exceed \$249,924.58.*
8. *Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark. The agreement would not create a separate legal entity.*
9. *Authorize the City Manager or designee to execute an agreement and any other implementing documents, with the California Department of Aging to provide senior case management services.*
10. *Authorize the City Manager or designee to reappropriate \$40,362 in CDBG funding from 105PWC8716 to 105PWC8680 and execute any implementing documents, including amending the City's Action Plan.*
11. *Authorize the City Manager or designee to execute a ninety-day contract for a total not-to-exceed amount of \$113,963 that is a continuation of the 2009/10 contract with Alameda County Probation Department to continue programs supporting at-risk youth and families from Fremont and Newark in the first quarter of FY 2010/11.*

**2.5 EMINENT DOMAIN HEARING – WARREN AVENUE GRADE SEPARATION PROJECT (PWC8074)**

*Consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Property Located at 220 E. Warren Avenue*

**Contact Person:**

<b>Name:</b>	<i>Randy Sabado</i>	<i>Jim Pierson</i>
<b>Title:</b>	<i>Real Property Manager</i>	<i>Director</i>
<b>Dept.:</b>	<i>Community Development</i>	<i>Transportation &amp; Operations</i>
<b>Phone:</b>	<i>510-494-4715</i>	<i>510-494-4722</i>
<b>E-Mail:</b>	<i>rsabado@fremont.gov</i>	<i>jpierson@fremont.gov</i>

**RECOMMENDATION:**

1. *Conduct a hearing.*
2. *Adopt a Resolution of Necessity making the findings, determine that the public*

*interest and necessity require the acquisition of the subject properties, and authorize the commencement of eminent domain proceedings.*

**3. CEREMONIAL ITEMS**

- 3.1 Resolution: Recognizing Senior Planner Barbara Meerjans for 25 Years of Service
- 3.2 Resolution: Recognizing Police Sergeant Gregg Crandall for 20 Years of Service
- 3.3 Resolution: Recognizing Police Property Officer Carol Pedersen for 30 Years of Service
- 3.4 Resolution: Recognizing Records Supervisor Sandy Spikes for 30 Years of Service
- 3.5 Resolution: Recognizing Police Lieutenant Mark Devine for 30 Years of Service

**4. PUBLIC COMMUNICATIONS**

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR



## **5. SCHEDULED ITEMS**

### **5.1 CITY OF FREMONT-MODIFICATIONS TO CERTAIN SINGLE FAMILY RESIDENTIAL DISTRICT ZONING STANDARDS AND DESIGN GUIDELINES ZONING TEXT AMENDMENT-CITYWIDE (PLN2010-00202)**

Public Hearing (Published Notice) to Consider a Recommendation from the Planning Commission for a Zoning Text Amendment (ZTA) to Modify Fremont Municipal Code (FMC) Title VIII, Chapter 2 to Amend the R-1 Zoning Standards Related to Height, Roof Pitch, and Floor Area Coverage and Authorize the Adoption of Design Review Guidelines for Certain Residential Neighborhoods Generally known as Glenmoor Gardens and Mission Ranch. Additionally, this ZTA Proposes to Eliminate R-1-160 and R-1-80 Zoning Districts Because they are no Longer Required.

#### **Contact Person:**

Name:	Terry Wong	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4456	510-494-4527
E-Mail:	twong@fremont.gov	jschwob@fremont.gov

#### **RECOMMENDATION:**

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15061(b)(3) of the CEQA Guidelines because it is not a project which has the potential for causing a significant effect on the environment.
3. Find PLN2010-00202 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
4. Approve the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the buildings will be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials. Also find that the elimination of the R-1-80 and R-1-160 zoning districts are consistent with the City's existing General Plan designations.
5. Waive full reading and introduce an Ordinance amending the zoning text amendment, as shown on Exhibit "A", subject to findings in Exhibit "B".
6. Adopt a resolution approving the Glenmoor Gardens Design Guidelines and the Mission Ranch Design Guidelines.
7. Direct staff to prepare and the City Clerk publish a summary of the ordinance.

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Report Out from Closed Session of Any Final Action**

## 7. OTHER BUSINESS

### 7.1 CENTERVILLE FRAMEWORK PLAN

City Council and Agency Board Consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy, and Direction on a Series of Questions

Contact Person:

Name:	Josh Huber	Elisa Tierney
Title:	Project Manager	Director
Dept.:	Redevelopment Agency	Redevelopment Agency
Phone:	510-494-4513	510-494-4501
E-Mail:	jhuber@fremont.gov	etierney@fremont.gov

#### RECOMMENDATIONS:

City Council and Agency Board:

- 1) Provide direction to staff regarding shared parking on selected sites, and if appropriate, direct staff to return with more detailed information on the feasibility of creating shared parking; and
- 2) Review the list of proposed projects, timing and funding, and confirm project priorities.

City Council:

- 1) Grant conceptual approval of proposed urban design guidelines; and
- 2) Provide direction on a list of nine yes/no questions regarding proposed development in Centerville.

Agency Board:

- 1) Grant conceptual approval of proposed Fremont Boulevard improvements.

### 7.2 TOW SERVICES AGREEMENT

Consider Rejecting All Proposals Submitted in Response to Tow Services Agreement RFP and Directing Staff to Conduct a New Solicitation

Contact Person:

Name:	Mark Riggs	Craig T. Steckler
Title:	Lieutenant	Chief of Police
Dept.:	Police	Police
Phone:	510-790-6913	510-790-6810
E-Mail:	mriggs@fremont.gov	csteckler@fremont.gov

RECOMMENDATION: Reject all bids and direct staff to conduct research, draft a new RFP, and construct a new selection process.

### 7.3 SOLID WASTE COLLECTION AGREEMENT AMENDMENT

Consider an Amendment to Solid Waste Collection Agreement with Allied Waste Industries to Implement Collection Changes Designed to Improve Waste Diversion and Authorize Staff to Negotiate Additional Contract Changes

Contact Person:

Name:	Ken Pianin	Kathy Cote
Title:	Solid Waste Administrator	Environmental Services Division Manager
Dept.:	Transportation & Operations	Transportation & Operations
Phone:	510-494-4582	510-494-4583
E-Mail:	kpianin@fremont.gov	kcote@fremont.gov

RECOMMENDATIONS:

1. Authorize the City Manager, or his designee, to execute the Sixth Amendment to Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste, as attached.
2. Appropriate \$71,000 of Integrated Waste Management Fund fund balance to the FY 2010/11 Integrated Waste Management operating budget, fund 115.4410.
3. Authorize staff to negotiate a Seventh Amendment to the Agreement for the Collection, Processing and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste with Allied Waste to incorporate the Phase Two changes described in the staff report.
4. Authorize staff to negotiate an amendment to Agreement Between the City of Fremont and BLT Enterprises of Fremont, Inc., for Recyclables Diversion and Transfer Services to incorporate the Phase Two changes described in this staff report.

### 7.4 CONSULTANT SELECTION AND CONTRACT AWARD TO PERKINS + WILL FOR \$330,000 FOR SOUTH FREMONT/WARM SPRINGS STUDIES (FORMALLY KNOWN AS NUMMI SITE CLOSURE ECONOMIC RECOVERY STRATEGY)

Authorize the City Manager to Enter into a Contract with Perkins+Will for \$330,000 for Planning and Technical Studies Related to South Fremont/Warm Springs Area

Contact Person:

Name:	Brian Millar	Lori Taylor
Title:	Project Manager/Consultant	Director
Dept.:	Administration	Economic Development
Phone:	510-284-4008	510-284-4024
E-Mail:	bmillar@fremont.gov	ltaylor@fremont.gov

RECOMMENDATION: Authorize City Manager or designee to enter into a contract with Perkins+Will to lead a multi-disciplinary consultant team to prepare technical studies for the South Fremont/Warm Springs area at a cost not to exceed \$330,000.

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals**

#### **8.1.1 MAYOR WASSERMAN REFERRAL: Designation of League of California Cities Annual Conference Voting Delegate**

**RECOMMENDATION:** Appoint Councilmember Natarajan as the City's voting delegate for the League of California Cities Annual Conference and Councilmember Chan as the voting alternate. The League's 2010 Annual Conference is scheduled for September 15-17, 2010 and an important part of the Annual Conference is the Annual Business Meeting, scheduled for September 17. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

Consistent with the League bylaws, a City's voting delegate must be designated by the City Council. Up to two alternate delegates may be designated as well. The League's bylaws now require that designating the voting delegate and alternates must be done by City Council action and cannot be accomplished by individual action of the mayor or city manager alone.

To remain consistent with League bylaws, I am recommending appointing Councilmember Natarajan as the City's voting delegate and Councilmember Chan as the voting alternate.

### **8.2 Oral Reports on Meetings and Events**

## **9. ADJOURNMENT**





## **\*2.3 SETTING THE GENERAL OBLIGATION BOND 2010/11 TAX RATE**

### **Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2010/11**

#### **Contact Person:**

Name:	Gloria del Rosario	Harriet Commons
Title:	Senior Accountant	Director
Dept.:	Finance	Finance
Phone:	510-494-4602	510-284-4010
E-Mail:	gidelrosario@fremont.gov	hcommons@fremont.gov

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**Executive Summary:** In November 2002, Fremont voters approved Measure R, thereby authorizing the City to issue \$51 million in General Obligation (GO) Bonds. The City is obligated to annually levy ad valorem taxes upon all taxable properties within the City for the payment of the principal and interest for these bonds. This report recommends that the City Council adopt a resolution (a) to establish the fiscal year 2010/11 tax rate at \$0.0095 per \$100 of assessed valuation (0.0095%), and (b) to request and to authorize the County of Alameda to levy the tax at this rate on all taxable property within the City of Fremont.

**Background:** In 2002, Fremont voters passed Measure R with an affirmative vote of 74.4% of the votes cast (only two-thirds were needed) to approve an override tax to pay debt service on \$51 million in Fire Safety Project GO Bonds. The California Constitution permits the voters to approve such taxes that override the general “1% of full cash value” limit on ad valorem property taxes to pay debt service on indebtedness used to acquire or improve real property. Measure R specified that the Fire Safety Project GO Bond proceeds be used to replace three older fire stations with new modern stations, to construct public safety training facilities, and to remodel and to upgrade seven existing fire stations to meet current earthquake standards.

Three bond series totaling \$51,000,000 have been issued: Series A for \$10,000,000 on July 17, 2003, Series B for \$25,000,000 on April 14, 2005, and Series C for \$16,000,000 on February 11, 2009. The Series A and Series B proceeds are now completely spent. Approximately \$4.5 million of the Series C proceeds remained at June 30, 2010, for project costs.

**DISCUSSION/ANALYSIS:** The override tax levy applies to both secured and unsecured property and, by definition, supplements the regular 1% property tax that pays for general city services. Each year, the Council sets the override tax rate to generate the taxes needed for eighteen months of bond debt service. The fiscal year 2010/11 override tax rate is calculated below by first computing the net debt service requirement [\$2,891,766], and then dividing this amount by the net assessed value [\$30,439,666,536]. The gross assessed value (adjusted for all exemptions except the homeowners property tax relief exemption) of all taxable properties within Fremont [\$31,543,695,892] is reduced by a 3.5% delinquency factor to arrive at the net assessed value divisor of \$30,439,666,536. The more significant computational steps are as follows:

Bond debt service requirements for eighteen months	\$ 5,504,566
Less: Available cash on hand at June 30, 2010	(2,352,870)
Less: Unsecured property override tax levy	<u>(\$ 259,930)</u>

Subtotal: Net debt service requirement	\$ 2,891,766
Divide by: Net property assessed values	<u>\$ 30,439,666,536</u>

Equals: Override tax rate for fiscal year 2010/11	<u>0.0095%</u>
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Before dividing to compute the fiscal year 2010/11 tax rate, the net debt service requirement is derived by subtracting both the available cash on hand at June 30, 2010 [\$2,352,870], and the unsecured tax levy net of anticipated unsecured tax delinquencies [\$259,930] from the eighteen-month debt service requirement [\$5,504,566]. By using an eighteen month debt service horizon, bondholders are assured of prompt debt service payments despite the difference in the dates on which property tax revenues are received versus the dates on which debt service payments are due. However, the eighteen month horizon is short enough that the City does not exceed the limit of thirteen months on debt service cash on hand that is imposed by U.S. Treasury Regulations for tax-exempt debt. Available cash at June 30, 2010, was \$2,352,870, which was \$642,857 more than the \$1,710,013 available at June 30, 2009.

The net unsecured property assessed value of \$2,440,661,579 was computed by reducing the gross unsecured property assessed value (net of exemptions) of \$2,529,182,983 (this value is supplied by the Alameda County Assessor) by a 3.5% delinquency factor. California Revenue and Taxation Code Section 2905 permits the current year's secured tax rate to be used as next year's unsecured tax rate because of the different levy dates used for secured and unsecured property taxes. Therefore, the fiscal year 2009/10 secured tax rate of \$0.01065 per \$100 of assessed value (0.01065%) becomes the fiscal year 2010/11 unsecured tax rate, and is multiplied by the net unsecured property assessed value to compute the net unsecured tax revenues [\$259,930].

Gross property assessed values for both secured and unsecured properties are reduced by the 3.5% delinquency factor to assure bondholders of their full debt service payments regardless of taxpayer payment performance. With the economy seeming to stabilize, the 3.5% delinquency rate that was used in prior years before the severe economic downdraft is incorporated into this year's formula. Should this assumption prove to be too optimistic, the calculation provides for sufficient "cushion" so that payments to bondholders will not be in jeopardy. Updated property tax delinquency rate information has not yet been provided by the County.

**FISCAL IMPACT:** The secured override tax rate for fiscal year 2010/11 of 0.0095% decreased over fiscal year 2009/10's rate of 0.01065% primarily because there was more cash on hand at the end of fiscal year 2009/10 compared to the end of fiscal year 2008/09. Partially offsetting this is a slight decline in the assessed value base used to generate the property taxes needed for the debt service payments of 0.9%.

By adopting the proposed resolution, the City Council authorizes the County of Alameda to levy and collect the required debt service amount of \$2,891,766 by assessing all taxable property within the City of Fremont with an override tax in addition to the regular 1% ad valorem tax and any other voter-



approved override taxes. The taxes for the Fire Safety Project GO Bonds will be billed on the regular property tax bills sent to property owners.

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:**

1. Establish the Fire Safety General Obligation Bonds tax rate of \$0.0095 per \$100 of assessed valuation (0.0095%) for fiscal year 2010/11.
2. Adopt a resolution requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bonds.

**\*2.4 DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS**  
**Delegation of Authority to City Manager during Council Recess, July 28, 2010 through September 14, 2010**

**Contact Person:**

Name:	Dawn Abrahamson	Melissa Stevenson Dile
Title:	City Clerk	Assistant City Manager
Dept.:	City Clerk	City Manager
Phone:	510-284-4063	510-284-4005
E-Mail:	dabrahamson@fremont.gov	mdile@fremont.gov

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**Executive Summary:** The purpose of this report is to notify City Council of administrative matters potentially requiring action during the City Council recess between July 28, 2010 and September 6, 2010. The City Council is being asked to delegate authority to the City Manager or designee to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. Actions taken during Council recess will be reported out to Council on September 14, 2010.

**BACKGROUND:** Fremont Municipal Code Sections 2-2107(q) and 2-9202(b)(2) provide procedures by which the City Council may delegate authority to the City Manager to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. A report of actions taken will be provided to the City Council after the recess. The following items have been identified as potentially requiring action during the recess:

- Title:** Renewal and Modification of Narcotic and Gang Task Force Memoranda of Understanding

**Staff Contact:** Richard Lucero, Police Captain, 790-6818

**Name of Contracting Party:** Alameda County Probation Department, California Highway Patrol, Newark Police Department, Union City Police Department, California Bureau of Narcotic Enforcement, and United States Department of Justice

**Budgeted Amount:** Approximately \$94,000 excluding salary of participating employees.

**Recommended Action:** Authorize the City Manager or designee to sign the modified MOU permitting continuance of the task forces and reflecting an operational change. The mandate of the unit is being adjusted to focus on violence as a derivative of gang and narcotic offenses. This change is supported by an adjustment in the command and control of the unit by placing operational functions under one task force commander, administrative responsibilities under the remaining commander, and governance under a single MOU.
- Title:** Approval of Plans and Specifications and Award of Contract to the lowest responsible bidder for the 2010 Kato Road Full Depth Reclamation and Asphalt Overlay, City Project No. 8234-K (PWC)

**Staff Contact:** Craig Covert, Associate Civil Engineer, 494-4785

Name of Contracting Party: To be determined after bids are opened  
Budgeted Amount: \$1,500,000  
Recommended Action: Authorize the City Manager or designee to (1) approve the plans and specifications for the 2010 Kato Road Full Depth Reclamation and Asphalt Overlay, City Project No. 8234-K (PWC), and (2) accept the bid and award the construction contract for the 2010 Full Depth Reclamation and Asphalt Overlay, 8234-K (PWC) to the lowest responsible bidder, in an not-to-exceed amount up to \$1,500,000, and authorize the City Manager or designee to execute the contract.

3. Title: Security Guard Services for the Police Department Seismic Retrofit Construction Project  
Staff Contact: Rob Kalkbrenner, Civic Facilities Development Manager, 494-4428  
Name of Contracting Party: To be determined  
Budgeted Amount: \$225,000  
Recommended Action: Authorize the City Manager or designee, following receipt and evaluation of proposals, to negotiate and execute a contract to provide security guard services during construction for the Police Department Seismic Retrofit Construction Project in an amount not- to-exceed \$225,000.
4. Title: Police Department Seismic Retrofit Construction Project Management Services Amendment  
Staff Contact: Rob Kalkbrenner, Civic Facilities Development Manager, 494-4428  
Name of Contracting Party: Critical Solutions, Inc.  
Budgeted Amount: \$84,700  
Recommended Action: Authorize the City Manager or designee to (1) approve Amendment No. 1 to the existing agreement for Police Department Seismic Retrofit Construction Project Management services with Critical Solutions, Inc., for additional construction administration services in an amount not-to-exceed \$84,700, which will increase the total construction administration services contract to an amount not-to- exceed \$579,520, and (2) retain the City Manager's amendment authority pursuant to the Purchase Code at 20% of the original contract amount for future amendments.
5. Title: On-Call Master Service Contract for Electrical Engineering  
Staff Contact: Mark Mennucci, Associate Landscape Architect, 494-4530  
Name of Contracting Party: AEI Affiliated Engineers, Inc., and YEI Engineers, Inc.  
Budgeted Amount: No specific budgeted amount as the Master Service Contract will be billed per agreed Task Order for electrical design service. The terms of each Master Service contract will specify a not-to-exceed amount of \$150,000 per year for three years, for a total of

- \$450,000. At the end of three years, the City will have the option to extend each contract term for up to two additional, one-year periods with a not-to-exceed amount of \$100,000 per additional one-year period, bringing the total potential not-to-exceed amount of each contract to \$650,000.
- Recommended Action: Authorize the City Manager or designee to award separate contracts to AEI Affiliated Engineers, Inc., and YEI Engineers, Inc., for On-Call Electric Engineering Master Service Agreement.
6. Title: Fleet Replacement Vehicle Purchases from City Council Approved Multi-Year Vehicle Purchase Bids #09-12 and #09-27
- Staff Contact: Mark Collins, Fleet Maintenance Supervisor, 979-5739
- Name of Contracting Party: Frontier Ford and Hansel Ford
- Budgeted Amount: There is sufficient funding in the 2010/11 Fiscal Year Vehicle Replacement fund (Fund 610) of \$1,510,326 to cover the total purchase cost of \$669,129.
- Recommended Action: Authorize the City Manager or designee to (1) execute a purchase order with Frontier Ford in an amount not-to-exceed \$299,396 for the purchase of eight Ford Crown Victoria police patrol replacement vehicles and four Ford Fusion unmarked police replacement vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices, and (2) execute a purchase order with Hansel Ford in an amount not to exceed \$369,733 for the purchase of 11 Ford Escape hybrid vehicles to replace nine police Community Service vehicles and two general service utility vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices.
7. Title: Oracle/PeopleSoft Contract Approval
- Staff Contact: Marilyn Crane, IT Services Director, 494-4802
- Name of Contracting Party: Oracle America, Inc.
- Budgeted Amount: \$249,924.58
- Recommended Action: Authorize the City Manager or designee to issue a purchase order and execute implementing documents with Oracle America, Inc., for Relational Database software update license and support in the amount of \$148,899.35 and for PeopleSoft HR/Payroll application and MicroFocus COBOL software compiler support in the amount of \$101,025.23, for a total amount not-to-exceed \$249,924.58.
8. Title: Joint Powers Agreement with City of Newark for Case Management Services
- Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062

Name of Contracting Party: City of Newark  
Budgeted Amount: \$5,000  
Recommended Action: Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark for a total not-to-exceed amount of \$5,000. The agreement would not create a separate legal entity.

9. Title: Agreement with California Department of Aging for MSSP Services  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: California Department of Aging  
Budgeted Amount: \$235,675  
Recommended Action: Authorize the City Manager or designee to execute an agreement and any other implementing documents, with the California Department of Aging to provide senior case management services for a total not-to-exceed amount of \$235,675.
10. Title: Reappropriation of CDBG Funding from FRC Parking Lot Renovation Project to FRC Space Renovation Project and amendment of the City's Action Plan  
Staff Contact: Lucia Hughes, CDBG Administrator, 574-2043  
Name of Contracting Party: N/A  
Budgeted Amount: \$40,362  
Recommended Action: Authorize the City Manager or designee to reappropriate \$40,362 in CDBG funding from 105PWC8716 to 105PWC8680 and execute any implementing documents, including amending the City's Action Plan.
11. Title: FY 2009/10 Probation Contract Continuation  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Alameda County Probation Department  
Budgeted Amount: \$113,963  
Recommended Action: Authorize the City Manager or designee to execute a ninety-day contract for a total not-to-exceed amount of \$113,963 that is a continuation of the 2009/10 contract with Alameda County Probation Department to continue programs supporting at-risk youth and families from Fremont and Newark in the first quarter of FY 2010/11.

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:

1. Authorize the City Manager or designee to sign the modified MOU permitting continuance of the Narcotic and Gang task forces reflecting an operational change. The mandate of the unit is being adjusted to focus on violence as a derivative of gang and narcotic offenses. This change is supported by an adjustment in the command and control of the unit by placing operational functions under one task force commander, administrative responsibilities under the remaining commander, and governance under a single MOU.
2. Authorize the City Manager or designee to (1) approve the plans and specifications for the 2010 Kato Road Full Depth Reclamation and Asphalt Overlay, City Project No. 8234-K (PWC), and (2) accept the bid and award the construction contract for the 2010 Full Depth Reclamation and Asphalt Overlay, 8234-K (PWC) to the lowest responsible bidder, in an amount not-to-exceed \$1,500,000, and authorize the City Manager to execute the contract.
3. Authorize the City Manager or designee, following receipt and evaluation of proposals, to negotiate and execute a contract to provide security guard services during construction for the Police Department Seismic Retrofit Construction Project in an amount not-to-exceed \$225,000.
4. Authorize the City Manager or designee to (1) approve Amendment No. 1 to the existing agreement for Police Department Seismic Retrofit Construction Project Management services with Critical Solutions, Inc., for additional construction administration services in an amount not-to-exceed \$84,700 which will increase the total construction administration services to an amount-not-exceed \$579,520, and (2) retain the City Manager's amendment authority pursuant to the Purchasing Code at 20% of the original contract amount for future amendments.
5. Authorize the City Manager or designee to award separate contracts to AEI Affiliated Engineers, Inc., and YEI Engineers, Inc., for On-Call Electric Engineering Master Service Agreement in an amount not-to-exceed \$15,000 per year per firm for three years, with two one-year options to extend for each firm in an amount not-to-exceed \$100,000 per year.
6. Authorize the City Manager or designee to (1) execute a purchase order with Frontier Ford in an amount not-to-exceed \$299,396 for the purchase of eight Ford Crown Victoria police patrol replacement vehicles and four Ford Fusion unmarked police replacement vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices, and (2) execute a purchase order with Hansel Ford in an amount not-to-exceed \$369,733 for the purchase of 11 Ford Escape hybrid vehicles to replace nine police Community Service vehicles and two general service utility vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices.
7. Authorize the City Manager or designee to issue a purchase order and execute implementing documents with Oracle America, Inc., for Relational Database software update license and support in the amount of \$148,899.35 and for PeopleSoft HR/Payroll application and MicroFocus COBOL software compiler support in the amount of \$101,025.23, for a total amount not-to-exceed \$249,924.58.
8. Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark. The agreement would not create a separate legal entity.
9. Authorize the City Manager or designee to execute an agreement and any other implementing documents, with the California Department of Aging to provide senior case management services.

10. Authorize the City Manager or designee to reappropriate \$40,362 in CDBG funding from 105PWC8716 to 105PWC8680 and execute any implementing documents, including amending the City's Action Plan.
11. Authorize the City Manager or designee to execute a ninety-day contract for a total not-to-exceed amount of \$113,963 that is a continuation of the 2009/10 contract with Alameda County Probation Department to continue programs supporting at-risk youth and families from Fremont and Newark in the first quarter of FY 2010/11.

**\*2.5 EMINENT DOMAIN HEARING – WARREN AVENUE GRADE SEPARATION PROJECT (PWC8074)**

**Consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Property Located at 220 E. Warren Avenue**

**Contact Person:**

Name:	Randy Sabado	Jim Pierson
Title:	Real Property Manager	Director
Dept.:	Community Development	Transportation & Operations
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**Executive Summary:** The purpose of this report is to recommend that the Council adopt a Resolution of Necessity authorizing the filing of eminent domain action for the property located at 220 E. Warren Avenue, which is needed for the Warren Avenue Grade Separation Project (PWC8074) (the “Grade Separation Project”).

**BACKGROUND:** The Mission Warren Truck Rail Program refers to a collection of separate projects being undertaken by the City of Fremont, Alameda County Transportation Authority (ACTA), Santa Clara Valley Transportation Authority (VTA), and Caltrans. These improvements will provide a critical link to I-880 connecting commercial areas in the City, and improve traffic flow by separating local streets, regional traffic and mass transportation movements.

One such project, the I-880/Mission Boulevard (Route 262) Interchange Reconstruction Project (IRP), has been divided into two phases. Phase 1A included the widening of I-880 between the Interchange and Dixon Landing Road, all of the ramps to and from Mission Boulevard and I-880, and the extension of East Warren Avenue over I-880 to connect to West Warren Avenue. This phase was completed in June 2009. Phase 1B includes the widening of Mission Boulevard between I-880 and Warm Springs Boulevard, as well as the replacement of ramps at Mission Boulevard and Kato Road that were removed as part of Phase 1A.

Another project, the Warren Avenue Grade Separation Project (Phase 2), will depress Warren Avenue under two Union Pacific Railroad (UPRR) tracks between Kato Road and Warm Springs Boulevard immediately adjacent to, and south of, Mission Boulevard. **This is the Grade Separation Project for which the subject property is being acquired.** The eastern UPRR track is now owned by the Santa Clara Valley Transportation Authority (VTA) and the corridor will be used for the Silicon Valley Rapid Transit (BART) project. A third project, separate from IRP and the Warren Avenue Grade Separation Project, needed by VTA, involves modifying truck access and freight access to a private truck rail materials transfer business currently located on VTA and UPRR property.

The Warren Avenue Grade Separation Project, the relocation of freight facilities, and the widening of Mission Boulevard are tied together by the UPRR track realignment required for each project and, therefore, although they are separate projects, the three must be closely coordinated to optimize operational and cost efficiencies, and are being designed by a single entity. There are four agencies associated with these projects: Caltrans, ACTA, the City and VTA. Based on agreements among these



agencies, VTA is managing the final design, right-of-way acquisition, utility relocation, and construction efforts for these projects. The City is performing the right-of-way acquisition for the Grade Separation Project.

The Grade Separation Project requires property and property interests from eight private property owners, in addition to a variety of parcels from public property owners, such as VTA and Alameda County Flood Control and Water Conservation District, and public utilities, such as AT&T and Union Pacific Railroad. The City was able to reach early agreements with two of the eight private property owners. On November 3, 2009 and February 2, 2010, the City Council approved resolutions of necessity to file eminent domain actions for five of the remaining six private property owners, and agreements have now been reached with three of those private property owners. The City has not been able to reach an agreement with the remaining private property owner, and with this report staff recommends Council adopt a Resolution of Necessity to acquire the necessary property and property interests from the remaining private property.

#### **DISCUSSION/ANALYSIS:**

On June 9, 2009, the City Council authorized staff to make offers based upon the approved appraised values to the eight private property owners. The formal offers to purchase the needed right-of-way were transmitted to the property owners in June and July 2009, and seven offer packets for UPRR were given to VTA to transmit to UPRR.

Negotiations have been ongoing with the representative for the remaining private property, but a mutually acceptable agreement has not been reached. Discussions will continue in hopes of negotiating an agreement; however, to meet the current construction schedule, the City Council needs to adopt a Resolution of Necessity to acquire the necessary right-of-way.

**THE SUBJECT PROPERTY:** On July 20, 2009, the City's formal written offer to purchase the property rights was transmitted to the private property owner's representative. After the offer was made, the Project team made the determination that the Warren Avenue Grade Separation Project construction period needed to be revised, and the required construction easement, and the length of the restricted access easement also needed to be revised. A revised appraisal was performed to reflect these changes. On May 4, 2010, the City transmitted its revised formal written offer to purchase the required property rights to the private property owner's representative. Negotiations have been ongoing with the private property owner's representative, but a mutually acceptable agreement has not been reached. To secure the right-of-way necessary to meet the Grade Separation Project construction schedule, staff requests that the City Council consider the adoption of a Resolution of Necessity authorizing the commencement of eminent domain proceedings for the subject property.

The property that is the subject of this proposed Resolution of Necessity is as follows:

- 1) 221 Warren Avenue, LLC – 220 E. Warren Avenue, Fremont, CA – Assessor's Parcel Numbers 519-0950-014 and 015. Both parcels are owned by 221 Warren Avenue, LLC, a California Limited Liability Company. Parcel 519-0950-014 (Parcel ID 3014) is a long and narrow remnant parcel (±5,564 s.f.) that is undeveloped and landlocked. This parcel is not independently developable, and the dimensions severely limit the land's potential. Parcel 519-

0950-015 (Parcel ID 3013) consists of a 7.5-acre site improved with two (2) R&D/Industrial buildings, each comprising approximately 57,300 s.f.

Three (3) property interests are required from the Remnant Parcel for the Project: 1) a small 273 s.f. Public Service Easement for temporary tiebacks to be used during the construction of a Deep Soil Mix (DSM) wall and relocation of communication and electrical lines; 2) a 732 s.f. Storm Drain Easement (SDE) for the relocation of the existing storm drain from Warren Avenue; and 3) a 2,035 s.f. Temporary Construction Easement (TCE) for construction activities.

Four (4) property rights are required from the R&D Parcel for the Project: 1) a 29,122 s.f. Public Service Easement (PSE) for temporary tiebacks to be used during the construction of a Deep Soil Mix (DSM) wall and relocation of communication and electrical lines; 2) a 12,082 s.f. Storm Drain Easement for relocating the existing storm drain from Warren Avenue; 3) a 219.13 l.f. Restricted Access Easement for restricting access onto Warren Avenue; and 4) four Temporary Construction Easements totaling 26,150 s.f. for construction activities.

Acquisitions are along the frontage of Warren Avenue, and construction will impact the parking lot and landscaped setback areas. These impacted areas are improved with asphalt, striped parking, and nominal landscape improvements, which will be replaced as part of the Grade Separation Project. The needed real property interests and the impact of the project are shown in the attached Exhibit "A."

**THE PROPOSED RESOLUTION OF NECESSITY:** Council adoption of a Resolution of Necessity, by four-fifths vote with the following findings, based on the evidence noted below, is required for the initiation of the proposed eminent domain action:

- 1. The public interest and necessity require the proposed project.** The need and necessity of the proposed project is consistent with the City's long term General Plan. Traffic study findings conducted prior to design of the project support the Warren Avenue Grade Separation Project. A significant amount of traffic utilizes Warren Avenue to access Mission Boulevard and I-880, and with the completion of Phase 1A of IRP, Warren Avenue is now a key connector between the east and west sides of I-880.

With the existing at-grade crossing, train traffic frequently blocks vehicular traffic, causing significant congestion along Warren Avenue and Kato Road. The Grade Separation Project as proposed will eliminate the existing at-grade railroad/street crossing at Warren Avenue. Train blocking and crossing closures due to train traffic will therefore be avoided. The Grade Separation Project will result in improved traffic flow on Warren Avenue, Kato Road and nearby cross-streets, and alleviate traffic congestion in the City.

- 2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.** City staff has been studying and working with VTA, Caltrans and ACTA on alternative designs for the Warren Avenue Grade Separation Project. A matrix of alternative design configurations for the Grade Separation of the Warren Avenue portion of the project was considered, including a railroad overpass or underpass. One such alternative considered leaving the street at-grade and depressing the railroad tracks as a design alternative.

However, this alternative is not viable. Union Pacific railroad (UPRR) does not support this alternative, and the City has no authority to force UPRR to agree to depressed rails. Even if UPRR were to agree to the depressed rail alternative, any future BART extension tracks would also have to be depressed and the cost of clearance and operational requirements would have significant impacts to the City's operating right-of-way. The Grade Separation Project as planned will thus be a benefit to the residents of the City and the region as a whole, while impacting only eight private property owners.

3. **The property described in the resolution of necessity is necessary for the proposed project.** As noted, numerous alternatives for the Grade Separation Project were studied, and it was determined that the Grade Separation Project as planned provided the greatest benefit to the residents of the City and the region as a whole. The noted acquisitions are necessary for the Grade Separation Project as planned. The City is required by State law to conform the parcels back to the best functional utility so that the property owners are not left with a landlocked or limited parcel.
4. **The offer required by Government Code section 7267.2 has been made to all owners of record.** Staff made the required written offer to the representative of the owner of record based on an approved appraisal of the fair market value of the property and property interests necessary for the Grade Separation Project on July 20, 2009. A revised offer was made on May 4, 2010. The offers included a written statement containing detail sufficient to indicate the basis for the offer as required by Government Code section 7267.2, and an informational pamphlet setting out the eminent domain process and the property owner's rights. Written Notices of the City's Intent to Pass a Resolution of Necessity, setting forth the date, time and location of the City Council meeting to consider adopting a Resolution of Necessity were mailed to the owner of record, and its representatives and counsel on June 16, 2010.

**FISCAL IMPACT:** As noted in the Background section of this report, the City has entered into agreements with VTA and ACTA to coordinate funding, design and construction of the Grade Separation, Freight Relocation and IRP projects. The City's maximum contribution is \$10,313,476.. These funds are appropriated and available for the acquisition costs of the subject property.

The City has made an offer to the property owner of \$ 728,000 based on the City's appraisal.

**ENVIRONMENTAL REVIEW:** The Warren Avenue Grade Separation project is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.13 because it will eliminate existing railroad grade crossings. A Notice of Exemption for the project was filed by the City with the Alameda County Clerk on July 3, 2002.

The property owner's counsel submitted correspondence to the City (see enclosure) contending that the CEQA review for this project is not adequate. Staff has reviewed the issues raised by the property owner and has determined that finding that the Warren Avenue Grade Separation Project is statutorily exempt from CEQA review was appropriate and that nothing has changed that would require additional CEQA review. The exemption adopted in 2002 by the City as the lead agency for the Warren Avenue Grade Separation project constitutes compliance with CEQA for purposes of adoption of the resolution of necessity. The time for challenging this decision has long since passed.

The property owner contends that the grade separation project is a different project than the one considered and approved in 2002 (when the City found the project to be exempt from CEQA) because their property was not identified in an Exhibit C to the interchange funding agreement with VTA. The property owner misconstrues the purpose of Exhibit C. Exhibit C to the funding agreement identifies property owned by the City of Fremont that the City agreed to contribute to the reconstruction and widening of I-880 and does not identify parcels affected by the Warren Avenue Grade Separation project. The project limits for the Warren Avenue Grade Separation Project have not changed since the project was approved in 2002.

The property owner also claims that the Warren Avenue Grade Separation project is part of the project to extend BART to Milpitas, San Jose and Santa Clara; that the City is acting as a responsible agency under CEQA in approving the resolution of necessity; and that further CEQA analysis is necessary because the environmental documents prepared for the BART alignment do not consider impacts on the owner's property.

Staff disagrees. The Warren Avenue Grade Separation is a separate project. As noted in the Notice of Exemption the City's project goals were to eliminate delays associated with trains remaining on the tracks and safety issues. City approval of the grade separation project did not take a first step towards or commit the City or other agencies to the BART project or to any other project. Nor was it foreseeable at the time of approval of the Notice of Exemption that the BART project would proceed. Now that the BART extension project is moving forward, design and construction of the Grade Separation have been coordinated with the BART extension project in an effort to gain efficiencies and savings. In approving the Resolution of Necessity to acquire property needed for the Grade Separation Project the City is not acting as a responsible agency for the BART project because by acquisition of the subject project it is not proposing to carry out or issue a discretionary approval for the BART project. The property is required for the separation of Warren Avenue from the railroad, a project for which the City is lead agency as noted in Amendment #1 to the Agreement with ACTA for the I880 interchange and widening project. In addition, the time for challenging any decisions made in the BART environmental documents has long since passed, as well.

**ENCLOSURES:**

- [Draft Resolution](#)
- [Location Map](#)
- [Aerial photograph with Right-of-Way Acquisition Areas \(Exhibit A\)](#)
- [Correspondence from Kenneth Bley, Esq., representing the Property Owner](#)

**RECOMMENDATION:**

1. Conduct a hearing.
2. Adopt a Resolution of Necessity making the findings, determine that the public interest and necessity require the acquisition of the subject properties, and authorize the commencement of eminent domain proceedings.

**5.1 CITY OF FREMONT-MODIFICATIONS TO CERTAIN SINGLE FAMILY RESIDENTIAL DISTRICT ZONING STANDARDS AND DESIGN GUIDELINES ZONING TEXT AMENDMENT-CITYWIDE (PLN2010-00202)**

**Public Hearing (Published Notice) to Consider a Recommendation from the Planning Commission for a Zoning Text Amendment (ZTA) to Modify Fremont Municipal Code (FMC) Title VIII, Chapter 2 to Amend the R-1 Zoning Standards Related to Height, Roof Pitch, and Floor Area Coverage and Authorize the Adoption of Design Review Guidelines for Certain Residential Neighborhoods Generally known as Glenmoor Gardens and Mission Ranch. Additionally, this ZTA Proposes to Eliminate R-1-160 and R-1-80 Zoning Districts Because they are no Longer Required.**

**Contact Person:**

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**Executive Summary:** This Zoning Text Amendment would create new zoning district sub-areas with specific standards and design guidelines for the alteration and construction of single-family homes in the Glenmoor Gardens and Mission Ranch neighborhoods. The current 18-month interim ordinance establishing these standards and design guidelines is due to expire on October 6, 2010. Staff recommends these standards and design guidelines be incorporated into the R-1 district as sub-areas to address the unique building characteristics and design attributes of these neighborhoods. The proposed sub-areas designations are as follows: Glenmoor Gardens (R-1-6 GG) and Mission Ranch (R-1-8 MR). Other R-1 sub-area designations could be implemented for other neighborhoods in the future under a similar procedure.

A separate component of the proposed Zoning Text Amendments is the elimination of the R-1-80 and R-1-160 zoning districts because they are no longer required. On June 10, 2010 the Planning Commission voted 4-0 with one recusal and two absentees to recommend approval of the Zoning Text Amendment to the City Council.

**BACKGROUND:** In recent years, Fremont residents have raised concerns regarding the increase in the number of large two-story homes in established primarily single story single-family neighborhoods. Residents' concerns related to construction of large homes include:

- Loss of privacy, light and view
  - Inconsistency with the prevailing character of the neighborhood (building floor area, mass, bulk, height, architectural design)
1. In 2007, the City Council amended the zoning ordinance to require citywide design review of two-story homes and directed staff to prepare a draft ordinance which would provide a process for residents to request that the Planning Commission and City Council limit second-story additions in established primarily single-story neighborhoods.

2. In April 2008, the Planning Commission considered a proposed (S-S) Single Story Combining District Zoning Text Amendment, and voted against recommending it to the City Council.
3. In June 2008, the City Council first considered the proposed Amendment, and then directed staff to return for further consideration with certain modifications.
4. On September 23, 2008, the City Council held another public hearing on the revised Amendment. In response to the comments and ideas presented during the public hearing, the City Council voted against introduction of the (S-S) Single Story Combining District Zoning Text Amendment. Instead, the Council directed staff to prepare design guidelines for the construction and remodeling of single-family homes in existing single-story neighborhoods to address concerns related to neighborhood compatibility. In addition, the Council asked staff to return in the short-term with an interim zoning ordinance restricting two-story additions, new two-story residential projects, and exterior alterations in the Glenmoor Gardens and Mission Ranch neighborhoods for a limited time so that construction of incompatible homes would not occur while the guidelines were being developed.
5. On October 7, 2008, the City Council unanimously adopted an interim urgency measure prohibiting applications for building permits for residential second-story additions, second-story exterior remodels and substantial reconstruction of homes, where the second-story exceeds 35% of the size of the existing home's first floor area, in the Glenmoor Gardens and Mission Ranch neighborhoods. In addition, the City Council directed staff to consider provisional design guidelines in reviewing two-story projects in these neighborhoods.
6. On April 28, 2009, the City Council adopted interim design guidelines and standards for residential remodels/exterior alterations, and placed parameters on additions to homes located in the Glenmoor Gardens and Mission Ranch neighborhoods for period of 18 months, ending in October 2010. Council asked for a review of the interim measures, implementation, and for a recommendation on permanent standards and guidelines prior to the expiration of the 18-month interim period.
7. On June 10, 2010 the Planning Commission voted 4-0 with one recusal and two absentees to recommend approval of the Zoning Text Amendment to the City Council. The Planning Commission also recommended that the Council establish a two-year review period for the adopted standards and design guidelines.

#### **PROPOSED PROJECT:**

To consider incorporation of existing interim standards and design guidelines for alteration and construction of single-family homes in the Glenmoor Gardens and Mission Ranch neighborhoods into the R-1 zoning district as sub-areas. Creating sub-areas promotes retention of existing character through the adoption of particular standards and design review. The proposed sub-area designations are Glenmoor Gardens (R-1-6 GG), and Mission Ranch (R-1-8 MR) (see table in Exhibit "A"). Other R-1 sub-area designations could be implemented for other neighborhoods in the future under a similar procedure.

A separate component of the proposed Zoning Text Amendment involves the elimination of the R-1-80 and R-1-160 zoning districts. Both the Commission and staff recommend these districts be deleted because there are no longer required to implement the General Plan. Currently, there are no parcels zoned R-1-80, however, there is one parcel zoned R-1-160. It is a City-owned 0.67 acre parcel located on the southeast quadrant of Alvarado Boulevard and Lowry Road. The parcel consists of a sloped landscaped embankment below Alvarado Boulevard where it crosses over Interstate 880. The site is

unlikely to be further developed. Staff proposes to rezone the property to a compatible zone following adoption of the General Plan 2030.

**DISCUSSION/ANALYSIS:** In order to approve the proposed Zoning Text Amendment, the project must be found consistent with the General Plan and other provisions of the Zoning Ordinance. Based on the following analysis, staff recommends that the City Council find the proposed Zoning Text Amendment is in conformance with General Plan and Zoning Ordinance.

Historically, the City has not reviewed design aspects of reconstructing or remodeling of individual homes within R-1 (Single Family) zoning districts. As a result, property owners remodeling or rebuilding in established single-family tract neighborhoods may, under current City standards, build a home that is considerably different in size, style and character from surrounding homes. At times this resulted in homes that do not match their surroundings and may be very large compared to older original homes. Some newer homes have thereby created negative impacts to current residents' privacy, light, views, and aesthetic sensibilities. In light of these concerns and negative community impacts, the City Council directed the Planning Division to study and develop guidelines and standards for new construction and remodels of single-family homes in the Glenmoor Gardens and Mission Ranch neighborhoods with an interim ordinance limiting construction through October 2010.

**General Plan Conformance:** The existing General Plan land use designation for the two neighborhoods is *Residential, Low Density*. The project is consistent with the existing General Plan land use designation for the project site because single-family residences are permitted within residential designations. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

HOUSING GOAL 1:	Preserve and Enhance Existing Homes and Neighborhoods
Analysis:	The homes located within the Glenmoor Gardens and Mission Ranch neighborhoods have unique characteristics and design attributes, that have not been significantly altered since their original construction in the 1950's and 1960's, respectively. The majority of the residences' original ranch-style architecture remains intact. Incorporating specific design standards and guidelines for sub-areas furthers the goal of allowing for reinvestment in homes while conserving the character of the area. There is no existing neighborhood of homes in either the R-1-160 or the R-1-80 zoning district.
HOUSING GOAL 2:	Ensure Availability of High Quality, Well-Designed and Environmentally Sustainable New Housing of All Types, Throughout the City
Analysis:	Implementation of design guidelines and standards for the sub-areas promotes well designed homes that are also compatible with their surroundings.
LAND USE GOAL 1:	New Housing Development While Conserving the Character of the City's Existing Single Family Residential Neighborhoods
Analysis:	The standards and guidelines allow for alteration of existing homes and do not limit the ability to demolish existing structures. The standards and guidelines

Policy LU 1.13: Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials.

Analysis: The standards and design guidelines will ensure that the overall massing and scale of homes, as well as character defining details and contextual separation of homes, will be maintained in the Glenmoor Gardens and Mission Ranch neighborhoods consistent with predominant development patterns.

To augment the design review process to address the particular character of a the prevailing ranch-style architecture in the proposed sub-areas, particular standards and guidelines are needed to reinforce this style. In addition to the changes in development standards, the design review process will require review of all alterations in the sub-areas, not just two-story additions as is the case outside the sub-areas. The proposed standards and guidelines do not exclude the consideration of a variance on a case by case basis to evaluate unique circumstances attributable to project that cannot be addressed by broad zoning and design standards.

To maintain proportionality of the homes to their lots, the proposed standards establish a FAR limitation of 40% in Glenmoor Gardens and Mission Ranch. This means 40% of the lot area may be covered by the floor area (footprint) of a single-story house. Property owners in the Mission Ranch neighborhood have an additional option for having a two-story house, but with a reduced 30% FAR total. A two-story house in Mission Ranch must also meet minimum size and proportional requirements related to the first floor of the house. The greater floor area allowance for one-story house is intended to act as an incentive



to build a single-story house versus a two-story house. The floor area limit equates to a 2,400 square foot house on a minimum lot size of 6,000 square feet in Glenmoor Gardens. A Mission Ranch house would be allowed up to 3,200 square feet for a single-story house on a minimum 8,000 square foot lot or 2,400 square feet for a two-story house.

Staff recommends the elimination of the R-1-160 and R-1-80 zoning districts as they are no longer needed. Currently, there is only one parcel in the City that is zoned R-1-160. The parcel is located on the southeast quadrant of Alvarado Boulevard and Lowry Road. There are currently no parcels zoned R-1-80.

### *Site Planning*

In addition to the zoning standards, specific design guidelines apply to each sub-area.

The following information is a summary of the general scope of the proposed design guidelines:

- Horizontal design elements
  - The project should reflect general horizontal emphasis with the use of banding on the exterior
  - Windows should be generally greater in length than in height
- Projections and Recesses
  - Covered entry porch and step(s) at entry
  - Arcades and loggias
  - Verandas
- Roof slopes and roofing material
  - generally 4:12 or match existing pitch
  - flat, but textured composition shingles/concrete tiles of similar color
  - avoid use of mission (curved) tile roofs
- Window placement
  - awareness of neighbor privacy
- Window, door, and garage materials
  - Encourage use of materials matching original wood framing and solid door appearance
  - Avoid contemporary ornate window and door styles
- Exterior wall materials
  - Avoid use of 100% stucco siding. Include secondary informal/rustic material such as board and batten siding or brick wainscoting.

### ***Review of Interim Standards and Design Guidelines:***

The following table summarizes activity within the two neighborhoods from May 2009 adoption of the interim standards and guidelines through May of 2010.

### Residential Building Permit Activity Summary

	Mission Ranch Project Activity from May 2009 to May 2010	Glenmoor Gardens Project Activity from May 2009 to May 2010	Citywide Residential Additions through May 2010	Citywide Residential Additions 2009	Citywide Residential Additions 2008	Citywide Residential Additions 2007
House Additions	6	2	78 (12 second-story)	164 (27 second-story)	203 (58 second-story)	357 (74 second-story)
Roof Replacements	12	49				
Window Replacements	6	10				

Based on the permit activity levels in the past year, there appears to be little to no effect on projects undertaken by residents in the sub-areas compared to Citywide. Sub-area data was not tracked prior to enactment of the interim ordinance last year. Citywide permit levels have declined for three years, but are projected to level off or slightly increase in 2010. New homes and additions regularly require submittal of plans for full multi-disciplinary review; however roof and window replacement permits are generally done “over-the-counter.” Staff review of the permits in the sub-areas emphasize conformance to the development standards and reinforcement of the major design elements of horizontal features and orientation. Staff promotes the use of matching materials and encourages design changes for minor alterations that facilitate the overall goals of the design guidelines for conserving the ranch style of home. To date staff has worked diligently with homeowners to incorporate changes and has not denied a design review permit in the sub-areas.

Since adoption of the interim guidelines, staff identified two necessary changes. The first is a modification to the site plan used as an example of an addition to a house shown on page 29 of each document to reflect that the floor area ratio should read 40% rather than 30%, because the example is for a single-story addition to a house. The second is a correction to the Development Standards table in the Mission ranch Design Guidelines shown on page 28, indicates the minimum lot width is 75 feet, when it should be 70 feet. Both of these changes have been incorporated into the proposed design guidelines (Exhibits “C” and “D”).

**FISCAL IMPACT:** None. Approval of the proposed Zoning Text Amendment would not result in a direct fiscal impact.

**ENVIRONMENTAL REVIEW:** The proposed project is exempt from the California Environmental Quality Act (CEQA) Guideline 15061(b)(3) in that the new regulations establish further design controls within existing single family neighborhoods.

**ENCLOSURES:**

- [Exhibit “A” Findings](#)
- [Exhibit “B” Draft Ordinance](#)
- [Exhibit “C” Design Guidelines and Standards for Alteration and Construction of Single-Family Homes in the Glenmoor Gardens community](#)
- [Exhibit “D” Design Guidelines and Standards for Alteration and Construction of Single-Family Homes in the Mission Ranch Neighborhood](#)
- [Exhibit “E” Draft Resolution adopting Design Guidelines and Standards for Alteration and Construction of Single-Family Homes in the Glenmoor Gardens community and the Mission Ranch Neighborhood](#)
- [Informational 1: Glenmoor Gardens and Mission Ranch community meeting notices](#)
- [Informational 2: Completed questionnaires received from residents at the Glenmoor Gardens community meeting on May 17, 2010](#)
- [Informational 3: Completed questionnaires received from residents at the Mission Ranch neighborhood meeting on May 17, 2010](#)
- [Informational 4: Location map of the Glenmoor Gardens and Mission Ranch communities](#)
- [Informational 5: Planning Commission minutes](#)
- [Informational 6: Correspondence](#)

**RECOMMENDATION:**

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15061(b)(3) of the CEQA Guidelines because it is not a project which has the potential for causing a significant effect on the environment.
3. Find PLN2010-00202 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
4. Approve the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the buildings will be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials. Also find that the elimination of the R-1-80 and R-1-160 zoning districts are consistent with the City's existing General Plan designations.
5. Waive full reading and introduce an Ordinance amending the zoning text amendment, as shown on Exhibit "A", subject to findings in Exhibit "B".
6. Adopt a resolution approving the Glenmoor Gardens Design Guidelines and the Mission Ranch Design Guidelines.
7. Direct staff to prepare and the City Clerk publish a summary of the ordinance.

## **6.1 Report Out from Closed Session of Any Final Action**

## 7.1 CENTERVILLE FRAMEWORK PLAN

### **City Council and Agency Board Consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy, and Direction on a Series of Questions**

#### **Contact Person:**

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**Executive Summary:** This item appears on both the City Council and Agency Board agendas and the two staff reports for these items are identical. The City Council has held two work sessions regarding the Centerville Framework Plan, a guide for future development opportunities in and around Fremont Boulevard from Thornton Avenue to Central Avenue. At these work sessions, it was articulated that the Framework Plan would provide a vision for future development, parking strategies, multi-modal improvements to Fremont Boulevard, design guidelines, and methods for implementation. During the last meeting at which the Framework Plan was discussed, the City Council directed staff to return with a recommended option for Fremont Boulevard improvements, to proceed with the process to decommission Fremont Boulevard as a State Highway, and to clarify questions for the City Council to answer in order for staff to move forward with implementation. Tonight, staff will present a conceptual design of the recommended option for improvements to Fremont Boulevard, including a realignment of traffic lanes and streetscape improvements, as well as a proposed approach to public parking, a mechanism to enforce design guidelines proposed by previous planning studies, and a list of yes/ no questions designed to elicit clear direction to staff regarding the Council's collective preferences on several issues raised in previous discussions on Centerville's future. Staff recommends that the City Council and Agency Board:

- 1) Provide direction to staff regarding shared parking on selected sites, and if appropriate, direct staff to return with more detailed information on the feasibility of creating shared parking; and
- 2) Review the list of proposed projects, timing and funding, and confirm project priorities.

Staff also recommends that the City Council:

- 1) Grant conceptual approval of proposed urban design guidelines;
- 2) Provide direction on a list of nine yes/no questions regarding proposed development in Centerville.

Staff also recommends that the Agency Board : 1) Grant conceptual approval of proposed Fremont Boulevard improvements.

**BACKGROUND:** In the summer of 2009, as the Council was actively considering redevelopment efforts on the Centerville Unified site and Center Theater, questions arose regarding the interrelationship of projects in Centerville and their compatibility with each other and the overall vision for the

rejuvenation of the Centerville District. The City Council directed staff to undertake a plan to clearly analyze the overall redevelopment program for the area. Staff commissioned the consulting firm of Field Paoli to study the impact of existing conditions along Fremont Boulevard on proposals for future development and the effects of new development on traffic, urban design, and public parking. The Centerville Framework Plan is the result of that analysis. An early version was presented to and discussed by the City Council at a work session on November 17, 2009. At a second work session on May 18<sup>th</sup>, 2010, the City Council provided wide ranging feedback on a number of issues raised by Plan implementation. At the end of the meeting, staff was directed to return to the City Council with an agenda item at a regular meeting containing specific proposals and a series of “yes/no” questions in order to provide the City Council and Agency Board with the opportunity to develop clear direction to staff on preferred next steps for Plan implementation.

## **DISCUSSION/ANALYSIS:**

### *Fremont Boulevard Improvements*

Improvements to Fremont Boulevard are the most feasible tool to make a substantial positive impact on the Centerville commercial corridor in the short term. These improvements require no private investment since they can be funded with existing City and Agency resources and street improvements often facilitate private development. The stretch of Fremont Boulevard between Thornton Avenue and Central Avenue is a critical component of Centerville. At the request of the City Council, a preferred lane reconfiguration design and associated streetscape improvements for Fremont Boulevard was developed. Public investment in streetscape improvements and lane reconfigurations to make the street more pedestrian- and bicycle-friendly has the potential to significantly transform the character of the street and thus the future of the district. Staff is recommending, and Field Paoli will present, a preferred configuration of Fremont Boulevard that incorporates the recommended design options.

The preferred changes to Fremont Boulevard in Centerville recommended for implementation over the next three years include:

- Adding bicycling amenities such as continuous 5' bicycle lanes in both directions as well as locations for bicycle parking racks;
- Enhancing pedestrian amenities with sidewalk widening (as part of future development) and the addition of mid-block crosswalks and bulb-outs to provide safer connections across Fremont Boulevard, encourage pedestrian activity on both sides of the street, and minimize walking distances at the bulb-outs;
- Maintaining two lanes of travel in each direction;
- Providing outside travel lanes wide enough to enable future Bus Rapid Transit (BRT)
- Providing on-street parallel parking on at least one side of the street, and on both sides of the street where feasible;
- Preserving existing street trees where feasible; and
- Including a median that can be enhanced with landscape and hardscape treatments or public art, and that also allows for left turns into major driveways.

There are some trade-offs that were considered in developing the preferred plan:

- Not all driveways would remain as accessible as in the existing condition;
- Medians might limit future driveway placement;
- Additional capital costs of including irrigation for landscaping in medians;

- Additional capital costs associated with demolition of concrete under the site of the proposed median, which is unusually thick, and will increase the cost of the improvements;
- Proposed U-turns eliminate some curb bulb-outs (U-turns are limited to Thornton Avenue, Peralta Boulevard, and Central Avenues);
- Additional landscaping increases the burden on overtaxed maintenance resources and traffic control would be needed for maintenance, further increasing maintenance costs; and
- Width of lane for future transit squeezes the dimensions of other lanes and medians within the street right-of-way, complicating future design for public transit options.

The recommended addition of the median, where feasible, deserves special attention. Staff is recommending a median because it will significantly change the character of the street in a way that re-striping and bulb-outs do not. Medians can be an asset to pedestrians because they provide a refuge for people crossing the street and also narrow travel lanes, which slows traffic. Medians also provide a place for landscaping, public art, signage and other district place-making features. For these reasons, staff recommends including a median in the design where feasible.

### *Urban Design*

At the request of the Council, staff has compiled the current urban design guidelines from various City documents into a single document. The urban design guidelines draw from the draft General Plan Community Character element, Centerville Specific Plan, and Envision Fremont Boulevard Report, as well as additional guidelines proposed in the Centerville Framework Plan. The four documents inform and shape future development on a range of topics. Staff proposes to hire a consultant to perform urban design review of new developments in the study area, using the urban design guidelines as a tool to achieve desirable outcomes. The proposed document is enclosed with this staff report. Staff requests that the City Council and Agency Board conceptually approve the proposed urban design guidelines.

### *Parking Policy Approach*

Staff recognizes that the availability of public parking will become more of an issue as the commercial core of Centerville is rejuvenated and becomes an active, attractive, and sought-after shopping district. In this scenario, the provision of public parking is an essential component for the successful redevelopment of the Fremont Boulevard corridor and public action will likely be necessary to provide a sufficient supply of parking. Staff continues to explore a range of options with which to approach the issue of parking, from encouraging existing property owners to voluntarily share existing parking to providing public parking through an Agency-sponsored capital project involving land acquisition and construction of parking improvements.

Since the demand for parking will increase over time as the area is redeveloped, resolution of the future parking demand will require a phased approach. Initially, the approach might include providing additional parking along Fremont Boulevard and meeting with property owners to determine the viability of a short-term sharing mechanism. Eventually, it is anticipated that a centrally located parking structure might be necessary if demand continues to grow. Given its central location, staff has identified the block of Fremont Boulevard between Peralta Boulevard and Parish Avenue as the preferred location for shared public parking. At this point, staff is requesting that Council: 1) provide direction to staff regarding the location of future shared parking, specifically on the block of Fremont Boulevard stretching from Peralta to Parish; 2) once a preferred location has been identified, direct staff to begin discussions with existing private property owners on these blocks about parking options; 3) as part of the

City's CIP process commencing this year, identify costs, timing and funding sources – most likely the Agency – and return to the Council and Agency Board at a later date with a detailed plan of action for district-wide parking. It should be understood that any City/Agency involvement in the supply of long-term public parking will likely require a significant additional investment of Agency resources. As an incentive for property owners to reach an interim agreement, the Agency would commit to striping on-street parking in the area which could count towards the supply available for use by the public.

*City and Agency Resources*

With Agency Board approval, staff anticipates Agency expenditure of approximately \$28 million will be required over the next three years to implement the recommended actions under the plan, including decommissioning of State Route 84, design and construction of the proposed lane reconfiguration and streetscape improvements to Fremont Boulevard, and work to negotiate shared parking arrangements. It also includes anticipated funding for the Centerville Unified site and Center Theater.

<b>Proposed Expenditures Forecast</b>				
<b><i>Proposed Items</i></b>	<b>FY 2010/11</b>	<b>FY 2011/12</b>	<b>FY 2012/13</b>	<b>Totals</b>
Fremont Blvd Improvements (on a portion of Fremont Blvd that is not included in Route 84)	\$400,000	\$300,000		\$700,000
De-commissioning work with Caltrans	\$500,000			\$500,000
Fremont Blvd Improvements (on a portion of Fremont Blvd that is included in Route 84)		\$1,000,000	\$2,000,000	\$ 3,000,000
Centerville Unified Site (developer assistance)	\$250,000		\$11,000,000	\$11,250,000
Striping/Bike Lane Improvements	\$100,000			\$100,000
Center Theatre (including the acquisition and renovation of the Center Theater)	\$2,500,000		\$10,000,000	\$12,500,000
<b>Total</b>	<b>\$3,750,000</b>	<b>\$1,300,000</b>	<b>\$23,000,000</b>	<b>\$28,050,000</b>

Given the current workload levels, staff in the Community Development (specifically, Engineering and Planning) and Transportation & Operations Departments believe sufficient staffing resources will be available to support these activities assuming that no further staffing cutbacks due to budget challenges are necessary. If further staffing cutbacks are necessary, the Agency could still pursue the same work plan using outsourced consultant services.

*Questions to guide implementation:*

1. Begin negotiations with Caltrans to decommission SR 84? Yes / No
2. Begin process to declare former Fire Station 6 surplus property? Yes/No
3. Facilitate renovation of the Center Theater? Yes/ No



4. Seek to acquire the Bank of Italy Building and reconfigure in order to improve Bill Ball Plaza? Yes / No
5. Improve the plazas adjacent to the train tracks? Yes / No
6. Acquire key sites at 'gateway' sites on Fremont Boulevard in order to facilitate public/ private redevelopment projects? Yes / No
7. Improve circulation through new vehicular connections? Pedestrian connections?
  - a. Maple to Fremont Boulevard Yes / No
  - b. Post to Fremont Boulevard Yes / No
  - c. Jason Way through to Peralta Boulevard Yes / No
  - d. Church Street to parking behind shops on the Center Theater block Yes / No
8. Improve the gateways to the district with art and/or signage projects that strengthen the identity of Centerville? Yes / No
9. Begin work on portion of Fremont Boulevard not controlled by Caltrans prior to decommissioning of State Route 84? Yes / No

**FISCAL IMPACT:** There is no fiscal impact to any action authorized by this item. The fiscal impacts of individual projects will be assessed and authorized through future City Council and/or Agency Board actions.

**ENVIRONMENTAL REVIEW:** The current action does not authorize any project nor does it constitute a project under CEQA. Therefore no environmental review is required at this time. Conceptually approved Framework Plan components are proposed to be evaluated as part of the General Plan EIR and incorporated into the Community Plans Chapter of the General Plan 2030.

**ENCLOSURE:** [Proposed Urban Design Guidelines](#)

**RECOMMENDATIONS:**

City Council and Agency Board:

- 1) Provide direction to staff regarding shared parking on selected sites, and if appropriate, direct staff to return with more detailed information on the feasibility of creating shared parking; and
- 2) Review the list of proposed projects, timing and funding, and confirm project priorities.

City Council:

- 1) Grant conceptual approval of proposed urban design guidelines; and
- 2) Provide direction on a list of nine yes/no questions regarding proposed development in Centerville.

Agency Board:

- 1) Grant conceptual approval of proposed Fremont Boulevard improvements.

## 7.2 TOW SERVICES AGREEMENT

### Consider Rejecting All Proposals Submitted in Response to Tow Services Agreement RFP and Directing Staff to Conduct a New Solicitation

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**Executive Summary:** Staff brought this item before the City Council on June 1, 2010 with a recommendation to award tow services agreements based upon responses to a request for proposals. Council requested that staff provide additional information about the request for proposals and the selection process, and continued the item. In the interim, staff reviewed the request for proposals in light of concerns raised at the meeting and now recommends that the Council reject all bids and re-solicit the work based on a new request for proposals. Rejecting all bids will allow staff time to conduct research, draft a new RFP, and construct a new selection process.

**DISCUSSION/ANALYSIS:** The competition for the tow contracts identified a number of issues in the existing tow contract RFP, which is over 10 years old. Issues raised by the tow vendors included the selection process, the existing RFP requirements, and zone towing versus rotational towing. In order to address each issue appropriately, more research needs to be conducted to find possible alternatives and solutions to improve the process. The goal is to have the new RFP issued by the end of the calendar year.

**ENCLOSURE:** None

**RECOMMENDATION:** Reject all bids and direct staff to conduct research, draft a new RFP, and construct a new selection process.

### 7.3 SOLID WASTE COLLECTION AGREEMENT AMENDMENT

#### **Consider an Amendment to Solid Waste Collection Agreement with Allied Waste Industries to Implement Collection Changes Designed to Improve Waste Diversion and Authorize Staff to Negotiate Additional Contract Changes**

##### **Contact Person:**

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**Executive Summary:** Staff recommends that the City Council authorize the City Manager to execute this Sixth Amendment to the Solid Waste Collection Agreement (Agreement) with Allied Waste. This Amendment is Phase One of a two-phase process designed to reduce the amount of waste ultimately landfilled, and improve the City's waste diversion rate by modifying how solid waste is collected and processed. This Sixth Amendment would change how front-end loader commercial waste is collected by routing customers by waste type (also known as wet/dry routing) rather than by geography. This system would separate dry recyclable-rich loads from wet waste. This will provide opportunities for greater recovery of materials, which is expected to increase the City's diversion level while requiring very few changes on the part of the City's customers. Staff is also seeking authorization to negotiate changes needed for Phase Two of program improvements, which would include incorporating commercial recycling into both the collection franchise and the transfer station processing agreements. It would also include exploring more advanced processing for different elements of the waste stream, implementing collection service enhancements, and extending the current Collection Agreement from June 2013 to June 2018. Staff anticipates bringing the Phase Two items to the City Council for consideration in spring 2011.

**BACKGROUND:** Since 1990, the City's solid waste collection programs have been changing in order to reduce the amount of waste ultimately landfilled. In 1999, the City Council adopted a waste diversion goal of 75% by 2010. While the City has seen steady annual improvement in its waste diversion results and is now at a 68% diversion level, achieving the 75% goal will require some additional changes in how the City collects and processes its solid waste. Currently, Allied Waste provides solid waste collection services under a franchise agreement set to expire on June 30, 2013. This Collection Agreement covers residential solid waste, recycling and organics collection as well as commercial solid waste, but excludes commercial recycling, which can be collected by any service provider with a valid business license. Commercial recycling is growing, unlike other waste streams, as businesses improve their waste disposal habits. The State of California is currently in the process of finalizing regulations which provide that all jurisdictions in California include mandatory commercial recycling by businesses, no later than July 2012. The purpose of these proposed regulations is to implement the Mandatory Commercial Recycling Measures, which are part of the Scoping Plan adopted by the California Air Resources Board pursuant to AB 32 (Nunez, 2006). The draft proposed regulatory text adopted by the former Integrated Waste Management Board allows these commercial recycling measures to be addressed and complied with as part of the City's franchise agreements with its service providers. The City must be prepared to address and comply with these significant new rules on commercial recycling

issues. In addition, the current exclusion of commercial recycling from the franchise agreement has resulted in certain enforcement challenges for the City as some service providers may be hauling mixed waste material which should be collected by Allied Waste. Further, since commercial recycling is not included in the City's franchise, franchise fees are not assessed on commercial recycling materials. This shift in volumes from commercial garbage to commercial recycling has resulted in some decline in franchise fees from the solid waste tonnage. Therefore, as part of the Phase Two program changes, staff will recommend addressing the above issues, including compliance with new state regulations, by incorporating all waste material, including commercial recycling, into the franchise and include franchise fees on those materials.

BLT Enterprises provides solid waste transfer and residential recycling processing services at the Fremont Recycling and Transfer Station (Transfer Station) under a long-term agreement with the City set to expire on June 30, 2037. This facility has capacity available to provide expanded processing services. Staff will also be proposing to direct commercial recycling to the Transfer Station as part of the Phase Two program changes.

**Discussion:** Staff is recommending that the City Council authorize the City Manager to execute this Sixth Amendment to the Solid Waste Collection Agreement (Agreement) with Allied Waste. This Sixth Amendment will implement the Phase One enhancements to the City's waste diversion programs, including implementing a wet/dry commercial collection system, adding the ability to direct mixed construction and demolition recycling debris to the Transfer Station, and incorporating the flexibility to include some of the current commercial food waste customers in the wet/dry collection system in the future. These changes are described in more detail below.

*Wet/dry Collection System:* Beginning August 2, 2010, Allied Waste would organize the front-end loader commercial collection routes by waste material type rather than by geography, so that dry loads of highly recyclable materials (e.g., office paper waste) would be collected separately from wet waste (e.g., restaurant waste). The City has requested that Allied Waste initially separate the collection routes into three material types: wet commercial, dry commercial and multi-family. Dry commercial loads are expected to account for 75% of the loads delivered to the Transfer Station and would increase the City's diversion level by providing more homogeneous material with better diversion and recovery potential. During the first six months, the City and Allied Waste would evaluate the quantity and quality of materials collected and identify any additional modifications which may further improve the diversion potential of these materials.

Front-end loader collection routes are usually routed geographically for maximum collection efficiency and minimal driving time between accounts. Modifying the routing to collect by material type rather than geographical efficiency is expected to increase the total route collection hours since there will be less route density and greater driving time between collection stops. The additional route hours will result in the need to add an additional front-end loader route. The increased cost (as verified by HDR Engineering, a consulting firm experienced with solid waste services) is estimated to be \$252,075 annually or \$21,006 monthly. Allied Waste has agreed to hold these costs in abeyance while the parties work out the terms of a Seventh Amendment (part of Phase Two). If the terms of the Seventh Amendment, including the five (5) year collection contract extension, are successfully negotiated and approved, then the additional collection route costs would be forgiven as consideration for approval of the Seventh Amendment. If the parties do not reach agreement on a Seventh Amendment by January

2011 or extend the negotiating time, then Allied Waste would be entitled to compensation for the accrued costs as well as the monthly costs moving forward.

*Construction and Demolition Debris:* Construction and demolition (C&D) debris is considered to be commercial recycling and, therefore, not included in the City's collection franchise agreement. Allied Waste competes with other service providers for this business and delivers the C&D material it collects to its own recycling processing facility, the Newby Island Recyclery, rather than the Fremont Transfer Station. BLT Enterprises is disputing the assumption that these loads meet the 10% residue threshold to qualify as recycling and have asserted that the City has a contractual obligation to direct this material to the Transfer Station. While staff does not agree with this view, it would be difficult and extremely burdensome to verify the residue of every load. Furthermore, staff believes it is in the City's interest to include commercial recycling (including mixed C&D waste) in the collection franchise agreement and direct all of commercial recycling to the Transfer Station. These changes will be recommended as part of the Phase Two improvements that could be implemented as early as January 2012. In the interim, staff is recommending resolving this dispute by modifying the collection agreement to allow the City to direct Allied Waste to deliver mixed construction and demolition recycling debris to the Transfer Station. Allied Waste prefers to direct the commercial recycling material, including mixed C&D material, to its own processing facilities since the Newby Island Recyclery inter-company processing fee is lower than the Transfer Station tip fee. Allied Waste has agreed to redirect the mixed C&D material to the Fremont Transfer Station but is unwilling to absorb the tip fee differential between the two facilities. Staff is recommending compensating Allied Waste for the tip fee differential at a rate not to exceed \$28.00 per ton. The actual compensation rate would be limited to costs verified by HDR Engineering, but will not exceed \$28.00 per ton. This analysis should be completed by the end of August 2010.

*Commercial Organics:* The Sixth Amendment clarifies that that City has the right to revise or terminate the Commercial Food Waste Program or incorporate some or all of the program or customers into the new Wet/Dry collection system. Allied Waste has agreed to waive any compensation claims for loss of revenue as a result of these program revisions.

*Phase Two Program Changes:* Staff is seeking authorization to negotiate terms to implement Phase Two program changes, which involve incorporating commercial recycling into both the Collection and the Transfer Station Agreements, exploring more evolved processing for different elements of the waste stream, implementing collection service enhancements, and extending the current collection franchise from June 2013 to June 2018. Staff anticipates bringing these items to the Council in spring 2011 and is recommending implementing these changes at the start of the next rate-setting period, effective January 1, 2012.

*Phase Two Transfer Station Agreement Changes:* Staff is recommending modifying the Transfer Station Agreement to include tip fees for commercial recyclable material in addition to municipal solid waste tip fees currently in the Agreement. The commercial recycling tip fees will need to consider the quality of material as well as commodity values. Staff is also recommending evaluating the feasibility of enhanced processing for the multi-family waste material and commercial wet material in order to reduce the amount of waste landfilled from these two waste streams. These changes would be negotiated as part of Phase Two.

*Phase Two Collection Agreement Changes.* Staff is recommending negotiating the following changes to the Collection Agreement as part of the Phase Two changes: addition of commercial recycling into the collection franchise, a five-year extension of the Agreement to June 30, 2018, a refinement of the biennial rate adjustment formula, and some service enhancements. Including commercial recycling in the franchise agreement would allow the City to better control this waste stream, improve the City's diversion rate, and comply with the new state regulations on mandatory commercial recycling. It would also eliminate the enforcement challenges resulting from service providers inappropriately hauling solid waste under the guise of recycling and would stabilize annual franchise fees. Staff is also recommending extending the existing Collection Agreement to June 2018 (a five-year extension) for several reasons. The City's rate setting methodology, which limits the biennial increase to an adjustment based on specific indexes, has resulted in Fremont rates remaining well below the countywide average (see Enclosure 2). Recent procurement efforts by Livermore and Hayward resulted in substantially increased solid waste rates (up to 40%) as services providers have tried to recoup labor costs that have outpaced inflation. Allied Waste is willing to extend the current rate structure for five years provided the City incorporates a health benefit index and a minimum 2.5% CPI floor into the biennial rate setting formula, starting in 2012. Staff believes it would be beneficial for Fremont rate payers to extend the existing rate structure as long as possible. Even with the rate formula changes, staff anticipates that Fremont rates will continue to be well below the countywide average. Extending the contract would also provide the City with additional time to evaluate the effectiveness of the emerging processing technologies and determine what collection changes are desired before embarking on a collection contract procurement effort. As part of the contract extension, the City will be seeking some service enhancement such as curbside battery and sharps collection, bulky collection from City facilities, and holiday tree pick up for multi-family dwellings.

**Funding:** The total cost of the Sixth Amendment changes would depend upon whether or not the City and Allied Waste agree to the Phase Two contract changes. Assuming the City ultimately executes a Seventh Amendment to the Collection Agreement with Allied Waste, the total cost would be limited to the tip fee differential associated with redirecting the C&D material to the Fremont Transfer Station for the current rate period (through December 31, 2011), which would total approximately \$71,000. If the City does not extend the Collection Agreement, the cost increase would also include \$357,000 for the implementation of the Wet/Dry collection system through December 2011. Regardless of whether or not the City executes the Phase Two program changes, staff is recommending these costs be funded from the Integrated Waste Management Fund fund balance during the current rate period. Any ongoing costs beyond 2011 would be incorporated into the solid waste collection rates the City Council sets for 2012 and 2013. At this time, staff is recommending appropriating the \$71,000 for the redirection of C&D material to the Fremont Transfer Station. Since funding for the Wet/Dry system may not be necessary, staff is recommending deferring that appropriation to spring 2011, when the City Council considers the Phase Two program changes and associated contract amendments.

#### **ENCLOSURES:**

- [Sixth Amendment to Agreement for the Collection, Processing and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste](#)
- [Solid Waste Collection Rate Comparison](#)

**RECOMMENDATIONS:**

1. Authorize the City Manager, or his designee, to execute the Sixth Amendment to Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste, as attached.
2. Appropriate \$71,000 of Integrated Waste Management Fund fund balance to the FY 2010/11 Integrated Waste Management operating budget, fund 115.4410.
3. Authorize staff to negotiate a Seventh Amendment to the Agreement for the Collection, Processing and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste with Allied Waste to incorporate the Phase Two changes described in the staff report.
4. Authorize staff to negotiate an amendment to Agreement Between the City of Fremont and BLT Enterprises of Fremont, Inc., for Recyclables Diversion and Transfer Services to incorporate the Phase Two changes described in this staff report.

**7.4 CONSULTANT SELECTION AND CONTRACT AWARD TO PERKINS + WILL FOR \$330,000 FOR SOUTH FREMONT/WARM SPRINGS STUDIES (FORMALLY KNOWN AS NUMMI SITE CLOSURE ECONOMIC RECOVERY STRATEGY)**

**Authorize the City Manager to Enter into a Contract with Perkins+Will for \$330,000 for Planning and Technical Studies Related to South Fremont/Warm Springs Area**

**Contact Person:**

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**Executive Summary:** On April 9, 2010, the City was granted an award of \$333,000 from the U.S. Economic Development Administration (EDA) to prepare planning and technical studies for the reuse and revitalization of the former-NUMMI site (now known as the South Fremont/Warm Springs Studies). On June 8, 2010, Council authorized staff to appropriate \$333,000 in EDA grant funds and \$83,250 in City matching funds. Since that time, staff has completed the competitive consultant selection process to prepare these studies. Twelve consultant teams submitted proposals and six teams were interviewed. Staff's recommended consultant team is led by architecture, design and planning firm Perkins+Will (P+W). The P+W team possesses extensive experience and skill in preparation of reuse plans for complex urban and industrial sites, including facilitating productive public outreach efforts. Staff recommends that the City Council authorize the City Manager or designee to enter into a contract with P+W to lead a multi-disciplinary consultant team to prepare technical studies for the South Fremont/Warm Springs area at a cost not to exceed \$330,000.

**BACKGROUND:** In February 2010, the Council authorized staff to submit a grant application to the EDA to enable preparation of reuse and revitalization studies for the former-NUMMI site and surrounding lands in anticipation of the plant's closure on April 1. Because of the anticipated change in ownership over a portion of the NUMMI lands, staff has renamed the studies *from* NUMMI Site Reuse and Revitalization Studies (the recognized title under the EDA grant) *to* South Fremont/Warm Springs Studies. The South Fremont/Warm Springs studies include the following four components: Economic and Market Strategic Plan; Land Use Alternatives Study; Infrastructure and Cost Analysis and Financial Assessment.

The Request for Proposals (RFP) to complete these studies was released on April 7, 2010, for a 30-day period. Staff advertised the RFP in four newspapers (San Francisco Chronicle, Oakland Tribune, San Jose Mercury News, and Tri-City Voice) over a three-week period in April, in addition to posting the RFP on the City's website and electronically notifying interested parties of its availability. On April 22, 2010, staff hosted a non-mandatory pre-proposal meeting with interested consultants to overview the site, its history, the EDA grant, as well as the RFP objectives, due date, requested scopes of work, schedule, budget, public outreach, City proposal review and consultant selection processes, and to respond to questions. Seventy-eight consultants attended the pre-proposal meeting. By the May 7, 2010 deadline, 12 consultant teams submitted proposals representing local, Statewide, nationwide, and global



firms. Of the 12 teams, six teams were invited to staff interviews, which occurred on June 7 and 8, 2010. The consultant selection criteria are described in the following section.

During this consultant proposal review period, on May 20, 2010, Tesla Motors announced its intent to manufacture electric vehicles on a portion of the former-NUMMI site. Given the change in potential activity at the former-NUMMI plant, staff confirmed with EDA that funding for the studies remained committed. EDA staff stated that, “From the perspective of [the] EDA, the purpose of the grant is to assist the City of Fremont in development of long-term solutions and alternatives pertinent to economic activity that would take place in the community whether or not automobile manufacturing occurs within the corporate limits of Fremont.” EDA further confirmed that the Tesla’s anticipated purchase of a portion of the NUMMI-owned properties “does not invalidate the grant award.”

**DISCUSSION/ANALYSIS:** As described, six consultant teams were invited to present their teams qualifications at staff interviews in early June. The staff interview panel consisted of Assistant City Manager Dile, Economic Development Director Taylor, Community Development Director Keimach, Redevelopment Director Tierney, City Engineer Hughes, and staff consultant/project manager Brian Millar.

***Interview Process.*** In advance of the interviews, each team was asked to address several items, with the discussion lead by the proposed team Project Manager. These items included the following:

- Reuse/revitalization project experience;
- Lead firm’s Project Manager’s strategy to ensure seamless transitions from one study to the next through completion of all the studies, including communication with City staff;
- Key challenges foreseen by the team to completing the studies;
- Community outreach/interactions strategy;
- Approach to considering reuse potential of the NUMMI plant versus consideration of future uses on surrounding non-NUMMI lands in the study area;
- Assignment of key staff to the project;
- List of items needed from City staff to ensure the team could successfully complete the studies on time and within the authorized budget, including minimizing requests for contract amendments; and
- Identification of tasks within the City’s RFP that have been excluded from the proposal and why.

At the interviews, each consultant team was given the opportunity to present their team, including qualifications and experience, and respond to the items above, followed by an open question and answer session with City staff. The interviews concluded with staff clarifying subsequent City steps to be taken in the consultant selection process.

The lead firms for the six consultant teams (listed by the name of the lead firm) interviewed included AECOM; BBP & Associates; Gensler; IBI Group; Perkins+Will; and TranSystems.

***Perkins+Will Team.*** Of the six interviewed teams, staff was most impressed with the Perkins+Will (P+W) team, because of its extensive experience with large scale reuse projects, approach to public outreach, project management philosophy, and team dynamics.

P+W is a global firm recognized for excellence of work and service to clients. P+W was founded in 1935 and is comprised of 21 offices worldwide, and is a global leader in sustainable design. The San Francisco P+W office will manage the City's studies. Recent major reuse planning efforts led by the SF P+W office include the Hunters Point Shipyard, Alameda Landing, and Concord Naval Weapons Station projects. The P+W team includes four subconsultants, each with extensive large scale reuse and revitalization experience. The subconsultants and the tasks they will complete include the following:

- *Economic and Planning Systems (EPS)* will prepare the Economic and Market Analysis and Financial Assessment
- *Strategic Economics*, working with EPS, will also prepare the Economic and Market Analysis and Financial Assessment
- *BKF Engineers* will prepare utility and infrastructure planning components of the Infrastructure and Cost Analysis
- *Fehr & Peers* will prepare the traffic/transportation components of the Infrastructure and Cost Analysis

**Scope of Work.** The P+W team closely followed the work program as outlined in the City's RFP. Their work products will include:

1. *Economic and Market Strategic Plan:* This plan will identify the short-term market (immediate to 10 years timeframe) for the site, as well as recommend how best to accommodate the potential future market uses over the longer term (up to 30 years).
2. *Land Use Alternatives Study:* This study will evaluate and recommend land use policy options for the type and level of development over the middle- and long-term that can accommodate market changes over time.
3. *Infrastructure and Cost Analysis:* This analysis will identify the physical opportunities and constraints for developing the study area, including an assessment of critical infrastructure needs for each land use alternative.
4. *Financial Assessment:* This assessment will examine the financial feasibility of the land uses being considered.

It is anticipated that the final documents will be used by the City in directing future policy, land use, infrastructure, economic and related decisions for land within the project area, which may culminate in the preparation of a Community or Specific Plan.

**Schedule.** Staff still envisions this process to occur on an accelerated time line of approximately ten months. Work will commence simultaneously on the Economics/Market Analysis and the Land Use Alternatives in August 2010. These tasks are expected to take approximately five months to complete. The Infrastructure/Cost Analysis and Financial Assessment work will follow, and will also be conducted simultaneously where possible, and will take an additional four months to complete. Final document revisions will then be made to the South Fremont/Warm Springs Studies, and the project is anticipated to conclude in May 2011.

**Project Budget.** The P+W team proposes a not-to-exceed budget of \$330,000 for completion of the South Fremont/Warm Springs Studies. This will consist of the following:

- P+W: \$140,000
- Economic & Planning Systems/Strategic Economics: \$136,300
- Fehr & Peers: \$22,000
- BKF: \$31,700

**Public Outreach.** The P+W team will include an extensive series of public outreach meetings and programs to ensure community input is obtained on South Fremont/Warm Springs Studies, including:

- One workshop with City Council
- Two public workshops
- Two additional public presentations (which may include additional presentations to Council and the Planning Commission)
- Stakeholder interviews

The precise order and timing of the public outreach program is still being developed with the P+W team, and will be presented to Council at a future meeting.

**FISCAL IMPACT:** The \$333,000 EDA grant is anticipated to fully cover the proposed \$330,000 cost for the P+W team to prepare the studies. EDA's required 20% City match of \$83,250 (which will be met through use of City staff time) was previously funded with existing appropriations.

**ENVIRONMENTAL REVIEW:** The South Fremont/Warm Springs studies are statutorily exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guideline 15262, *Feasibility and Planning Studies*. No environmental review is required.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize City Manager or designee to enter into a contract with Perkins+Will to lead a multi-disciplinary consultant team to prepare technical studies for the South Fremont/Warm Springs area at a cost not to exceed \$330,000.

## **8.1 Council Referrals**

### **8.1.1 MAYOR WASSERMAN REFERRAL: Designation of League of California Cities Annual Conference Voting Delegate**

**RECOMMENDATION:** Appoint Councilmember Natarajan as the City's voting delegate for the League of California Cities Annual Conference and Councilmember Chan as the voting alternate. The League's 2010 Annual Conference is scheduled for September 15-17, 2010 and an important part of the Annual Conference is the Annual Business Meeting, scheduled for September 17. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

Consistent with the League bylaws, a City's voting delegate must be designated by the City Council. Up to two alternate delegates may be designated as well. The League's bylaws now require that designating the voting delegate and alternates must be done by City Council action and cannot be accomplished by individual action of the mayor or city manager alone.

To remain consistent with League bylaws, I am recommending appointing Councilmember Natarajan as the City's voting delegate and Councilmember Chan as the voting alternate.

## **8.2 Oral Reports on Meetings and Events**

## ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC .....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC.....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF .....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
		August Recess		
September 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 21, 2010	TBD	Work Session	Council Chambers	Live
September 28, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 4, 2010	4-6 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
October 5, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 19, 2010	TBD	Work Session	Council Chambers	Live
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 16, 2010	TBD	Work Session	Council Chambers	Live
November 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 30, 2010 (5 <sup>th</sup> Tuesday)		No City Council Meeting		
December 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 21, 2010	TBD	Work Session	Council Chambers	Live